G. R. S. IX-5]

Previous references.

1891
~~192~~ .
(1892.)

File No 124

Serial Nos

Later references.

dRDG 814-26

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for

SUBJECT.

Shambhoji office of Chemalsha Patil of Mohar with remarks re village, Tamkhed Taluka.

Confirmation

Recd

WD 2233 -6/25- 20,000 -11-6-26

Docket from the deputy Commissioner of the Bangalore District, No. 52 dated 18th April 1892, submitting proceedings connected with the dispute of the Shanbagy office of Chennapura Kaikal Hosur and Ramasandra Villages in the Devanhalli Taluk.

The facts of the case are as follows:—

1. On his petition to the Amildar of Devanhally dated 16th November 1887, Venkatesiah stated that Subbiah, Venkatasubbiah, Seetharamiah and Venkatanarasimha were all uterine brothers of an Hindu family. There were three villages appertaining to them,

(

one in the Kolar Taluk and the other two in the Chenna Kally Taluk. The Shanbogy office of these three Villages had been registered in the name of Subbiah. Being involved in a case of murder, this Subbiah was not only dismissed from the office but orders were also passed precluding his sons from getting it. Subbiah had two Sons Ramiah and Seenappah the (the petitioner) was the son of Venkatasubbiah and Seenappah was ignorant. At the time of Subbiah's dismissal, he (Venkatasubbiah the petitioner) was a minor age, and Seenappah the 2nd Son of Subbiah ~~Seethaseebeeah~~ fraudulently got the registry of the office made out in his own name, falsely declaring

declaring that he was the adopted Son of Seethareamiah. This Seenaspah died on 25th April 1881, and had embezzled Govern.t money to the extent of Rs: 300/. Thereafter the petitioner Venkateeiah (½ a Shareholder in the village) succeeded in office and paid in certain instalments the amount his predecessor had misappropriated. His advent to the office received the assent of Sarbhamah widow of Seenaspah, and Ramiah Seenaspah's brother also gave his assent to it.

In Conclusion, the petitioner stated that he heard that the

registry

Registry of the Shanbogy of the Village of in the Kolar Taluk was made out in the name of Sooranarasiyah Son of Seenasiyah, and for the above reasons begged that the Registry of the Shanbogy of the Villages might be ordered and Confirmed in his name.

2. The above petition was transmitted to the Commissioner of Seedlaghutta with the request that the Correspondence which had transpired in this matter in that Dt might be referred for reference.

No. 655 dated 22nd December 1887.

3. In his petition dated 23rd June 1887 to the Assistant of Bowringpet, Sooranarasiyah the appellant

28-7-05

appellant represented that, on the death of his father Ramappah, the Shanbogy office of the three villages in question, was, after ~~orders~~ of the Deputy Commissioner of Kolar, registered in his name. Of these, Kamasandra and Channapparaik-an Hoskote were later added on to the Devanhally Taluk in the Bangalore District, & the 3rd Kumbadahally alone remained attached to ~~Kolar~~ Sidlaghatta Taluk in the Kolar District. On Venkatesh denying to put him in charge of the village in the Kolar ~~District~~, he applied to the Deputy Comm^r ~~of Kolar for~~ ~~to direct the charge~~ ~~of the village to that~~ ~~Taluk and the Deputy~~ ~~Commissioner~~

~~Commissioner~~ who, in his order No 378 dated 28th October 1857, directed the Amildar of Sidlaghatta to put the petitioner in charge of the Village of Kambadahalli by ousting Venkatesh Gowda.

In these circumstances the petitioner prayed that he might also be put in charge of the 2 Villages in the Devanhally Taluk ~~by ejecting Venkatesh the holder thereof~~.

4. After examining the parties, the Amildar submitted a report to the Dy Commissioner of Bangalore. In this report he stated that, from April 1881 (the month & year of the death of Devarajah, father of the appellant) upto

In No 623/684 dated 15th September 5 of

1886

1886, Correspondence
both in the Devanhalli
and Siddlaghatta Tks
were going on regarding
the registering of the office
being made either in
the name of Venkatesiah
or Satyanarayanappah,
and that on the 11th
January 1886, the
Amildar of Siddlaghatta
recommended the
office being registered
in the name of Venkatesiah
to which all the Shareo
had agreed, save the
petitioner. And the Asst.
Com.r on his appreciating
of the recommendation
ordered the office being
registered in the name
of Venkatesiah
Son of the deceased Shan
bogue Seenappah, and
appointed Venkatesiah
as Gumasta during the
minority

No 658

No 587 dated 28th
February 1886.

minority of Sooranara-
naickpah. Dec 1887;
~~the~~ Sooranaraiahpah being
~~to~~ desirous of obtaining
independent charge
of the office, presented a
petition to the Asst Comm^r
praying for restoration
to him of ~~the~~ Kambadahally
charge in the Kolar ~~Dist~~ District
& for removal of the deputy
Comm^r, he was put in
charge of it. But in his
deposition Venkatesiah
stated that, when on 24th
May 1885 a division ~~was~~ before a pyindé Ramaiyah
~~effected between~~ was effected between
himself and Subbam-
mah, the mother of
Sooranaraiahpah,
~~was effected of all the~~
~~moveables & immoveables~~
it was settled that Sa
Venkatesiah should do
the Shanbogy work
of the ~~disputed~~ 3 villages

No 375 dated 18th October 1887.

Villages, because he had paid Rs: 300/- Candayam which had fallen due by the deceased Seenappah, but that on the service Swami Condo, he (Venkatesiah) should give Sooranarayanappah ~~his~~ share. The Collector further expressed that although the register of the office, which ~~was~~ had been in the name of Seenappah, was made in his son Sooranarayanappah's name, yet Venkatesiah was, as per remarks of the partition deed, entitled to get a $\frac{3}{4}$ share. In the partition deed it has been provided that Venkatesiah should do the work of the Shanbogue. This partition was upheld in Original Suit no 648 of 1888 (~~Claimant vs Court etc~~) on the file

of

× Plff
1. Ala Sungrabha Shetter
2 Pillappa
V S

Defts 1. Venkatarayanagya
2. Sooraya Narayanappa.

of the Civil Procedure
Code Mensiff's Counsel
Certified copy produced
by Venkatesiah in
support of his Counter
claim marked C)
in which the Suit
was disposed of in ac-
cordance with the
terms of that deed.
As per that deed the
disputant Somana-
nayakapah wholly
entitled to 3/4 Share.
Out of the three villages
possessed by the parties,
Somanayakapah was in possession of
one Item and was
performing its duty, the
remaining 2 villages
being in the possession
of Venkatesiah ever
since Somanayaka's death
in 1881. In his State-
ment Venkatesiah
deposed that he had

had no objection to ~~give~~ allow Soorunarayanapah his share in the Inam lands. If the 2 villages in the Devenhally Taluk ~~were~~ be assigned to him in addition to Kumbadahally in the Siddlaghatta Taluk, as prayed for by him, the work would double his suffer, because it would be very inconvenient for one Shanbogue to do the duties of the villages of ~~the~~ two Talukas. In conclusion the Amildar added that the petition dated (marked B) clearly gave Venkatesiah the right to the two villages of the Devenhally Taluk, & Soorunarayanapah the post sought to

A in 2 different Districts.

all-

at once the deed, which was proved to have been executed by Ramaramakka's mother during his minority & appeared to bind him. Venka Reddy had been doing satisfactory work and there was no reason to cast him. Ramaramakka appeal might therefore be left to seek redress in Civil Courts if necessary".

5. After receiving the statements of the parties, Mr. Hayes of Comm[r] Bro. & Co. Mahomed Ali of the Bangalore District required to put him in charge of the 2 Villages of the Devanhally Talook

on

No 695 dated 26th October 1871.

on the ground that Venkatesiah not only held the charge of the villages for 10 or 11 years past and conducted his duties satisfactorily, but was also prepared to give Security on his appointment in the villages, and directed Venkatesiah to continue to be in charge of them as Curnadu of Soravanampalli.

6. It is against the above orders of the 2nd Commr the present appeal is preferred.

7. The correspondence relating to the registry of the Inamboogy of Kunnadahally in the Sidlaghatta Taluk having been transferred to the appellant Soravanampalli name on his father Siddappa's demise, the appellant & Venkatesiah as appellant & Curnadu, the appellant is

Please letters should be sent for at once

Bro. 23/7/92

subsequent application to the Dy Commr of Kolar for being put in independent charge of the village of Kambadahally and that officer's order thereon complying with his wishes are not among the file of papers submitted by the Deputy Commr of Bangalore and sent up for perusal.

M.V
25/5/92

26/7

My dear Sir

I send for your approval the draft decision on the new appeals heard on Thursday last.

In one case R 18/7/91/92 I have not adopted the decision as you wanted to see the statements taken from the parties –

It was not admitted by either that Reid was entitled to 1/4 share, and as the

several pictures for
with Sir it is also
admitted that ○ I was
Resd that fund is
made good the amount
(Rs 500) embezzled by
Seenappah (alias Jattu)
Under these circumstances
I think we may allow
Resd bandsmen bds
duty —

C. Plunkett

The family, of which the parties are members had the Standing of a Pálaiyan. There appears to have been a partition effected in 1851 in pursuance of an order passed in 1855, and the Standing of the three villages of Kunnivaráyanalli, Hommasandra and Kinnappanahalli Hobli, would seem to have been one of the shares of Sooliah (grandfather of Appellant and uncle of Respondent) as of the branch of the family to which he belonged (vide Amildar's Report dated 19 Dec. 1860 and the Rg. of 1863-64). In the Register of 1863-64 the said Sooliah's name is entered as the Registered Standing of the three villages referred to and the date of the deceased brother

Venkatachala Mudali Venkatesa
Respdt and Seshamma) and
another petition named Venkatramana
are dated & have been duly sworn
duly joined issue thereon and
entitled to one-third share. The
names of Seshadri's mother
are also entered as Jayadevi
but it is stated in the
written statement of the Srirangam
lands and had nothing to do
with the purchase of the property
of the said Seshadri as the date
of assignment of the office of the
village. In about 1856 Seshadri
was murdered in connection
with a case of murder and
it is alleged that Venkatesa
was removed in connection
with the case. Venkatesa
Sankaranaja appealed to claim
but his suit in Seshadri
(father of the appellant) claimed
the office as the adopted son
of one Seshamma a deceased
brother of Seshadri. The Munsif
who was called upon to select
on the claims of Seshadri and
the number of other claims referred
(in his report dated 17th Dec. 1866)
to the partition of 1862 as affecting

of the claim appeal by the
Grantee named Scraja and
Respondent, and stated that
Sorkiá (who the Grantee
was then residing at Bigone
as a Yaiella, that Sorkiá
Nyhilus (Respondent's mother) was
insane, and that the Scraja
had become entitled in fee
to the Scrumania and was com-
-pelled to disclaim the duties of
the office. Scraja the Grantee
entered the existence of
Scraja v Shaw Duc after
obtaining from him Marshalla
and Security - Scraja who
was then appointed on Dec
1866 died in office till the month
in April 1867. The Respondent
Vanderia (Sorkiá's mother)
then claimed the office and
at the inquiry which followed,
the deceased widow and the
Grantee Scraja gave depositions
in this case, he was allowed
to dispose the duties of the office
Scraja to take possession of
the post of Scrumania at
Danubia which he did. It
does not however appear that

Here was a general order for
dismissing the name of Sibley
&c. &c. &c. Snapped Indian Army
Commissioned officers, and
Each Individually, whereupon the order dismissing the
Here was the acquiring of the Indian
Department and Superintendent
Responsible Claims. The Depot
General Corner, in the order dated
28th February 1815, Paris out the
Office under and is carried in
the name of Simpson, which is
Lieu of the last Quarter and
delivered not Complied with
the Appellant, he dismissed as
the Standing and not till he
became fit & desirous to take
the Responsible to continue &
officers, Clerk General, &c.
185 the Appellant, upon Account
of the fact of Continental
Village now, which entitled
to recruited & the Salaries
Duties of the Clerk of the Inter
for Village Claims, & the Quarter
here Manufacture & Financial
Salaries of the Secretary Court
the Auditor of Public Lands
Superior & Officers and
any Civil Officers & the General

Court of the Assistant Judge
dated 3rd February 1887 but also
on the ground of expediency as it
was found inconvenient that
Criminal cases should
hold office in the Taluka, and
on the 18th March 1887 the Petitioner
Government of Bombay issued their
Warrant of Commitment that
the body of the said Kantaba
Kalidas should be conveyed to
Ahmednagar Jail. The
Respondent pursued his criminal
accounts but instead of his were
taken against him. In February
1887 the petitioner applied
to the Collector of Ahmednagar
praying that his name be struck
from the calendar as that Taluka
and urging that during his
misconduct Appellant's father
Sonajee had deposited in under
a false plea of exhibits of
Soobhai deceased sister, and
that Sonaji Sonajee Nimbalkar
the (Respondent) had been dis-
-charging the duties in two
Talukas and that prejudice from
the Petitioner was apprehended
by Sonajee. Pending receipt
of Records from the Petitioner

× The words
Petitioner to
Collector in the former

That appellant's counsel
undertook, and in fact
by the affidavit came forward
and asked the Swahili Muslim
to cause the village of the Sheikh
of the village in that behalf
to be transferred to him in
pursuance of the said of the
Supreme Court. After
considering the argument the
Learned Chief Justice ad-
-journed it upon the 5th
September 1871 reminding
the respondent of the Court
on the following grounds: —
(1) That until 24th May 1875 there
was a partition between
Respondent & the Appellant
Mother of the Respondent of
Appellant were parties, and
although it had been argued
that respondent received, in
consideration of his having
paid R. 300, amount paid
by Appellant's sister's
husband the share of the
village belonging to them,
Appellant's share in the
property to sell,
(2) That according to the said

partition which had been effected on the 9th January 1911, the Defendant was entitled to 3 and the 4 Plaintiffs and Appellant were entitled to one,

(3) that Respondent had been discharging the duties satisfactorily,

(4) that the Appellant was not an efficient and satisfactory Trustee and the Respondent would be inconvenienced,

(5) that Respondent was willing to give Appellant the share of produce.

Mirzapur the 8th day of January Bangalore ordered on 25 October 1913 that, in consideration of the premises that Respondent was a Mohammedan lady and for her own private maintenance the said Respondent, if she willingness to give Appellant the share of produce and of the interest of the Trust Estate which equals a Separate share of the estate in question, the Respondent do continue to hold the said 9 Villages as Trustee of the Appellant. The Appellant the Appellant

last Year. He says that the Surrender of the Office of Ramchandrachari which he holds as Trustee and Respondent's Father & give him a share in the Mirasi Rights of the Office & the other two villages, and that if he is put in possession he will give the Respondent the share due to them.

The Appellant has given evidence that the Mirasi Rights of the Office of the Kulachari villages of Kondadahalli, Kommasandra and Thimmappanaikan Hosur:—

(1) Sonnamappa (Appt's) 1/8
(2) Venkatesa (Respt's) 2/8
(3) Ramappa ... 1/8
(4) Venkatramappa ... 1/8
(5) Subrayasastri ... 1/8
(6) Subbanna ... 1/8
(7) Subbabhatta ... 1/8

He added that he has half the Kulachari two other villages namely Jodi Muttur & Jodi Narasapalli

The Respondent admits that Appellant has 1/8 share in the three villages, Kondadahalli, Kommasandra & Timmappanaikanhosur, but states that he is the holder of

a large share therein and
~~that~~ appellant has no right
to a share in the ~~village~~ Indian
village reserved to the Indians
being at liberty to appoint
whom they elect.

Received

Ramnad Dt. No
Council

Rec: Appeal no 187 of
1891-92

Appellant: Suryanara-
-appa
versus
Respondt: Venkatesa

Memo:

Subbia, Venkatsubbia
Sectharamia and
Venkataramania
were brothers. The
Shanbogi of the three
villages Kumbadahalli
Kamasandra and
Chennappanaikana
Kotsur originally stood
in the name of Subbia
the eldest of the brothers.
This Subbia having
been involved in a
murder case was
dismissed from his
office and his sons
also were pronounced
to be disqualified to
hold the office.
Subbia had two sons
Ramia and Seenappa.
After the dismissal
of Subbia Seenappa
his son claimed the
office as the adopted
son of Sectharamia

Kamappa.

Subbaiya	Venkat-subbaiya	Seeta-ramaiya	Venka-taiya.

Ramaiya	Seenap-pa.	Venka-ramaya (Respt.)

Suryanarayana.
(Appellant.)

who was issueless.
On the 26th December
1866 ~~Seenappa~~ the
Deputy Superintend
ent of Bangalore
issued an order that
the above named
Seenappa might be
appointed Shanbag.
Seenappa accordingly
held the office. He
died in 1881 after
having misappropria
-ted some Govt money.
After the death of
Seenappa, Venkatesa
(Respt) son of Venkata
Subbia above named
succeeded him. He
paid up the amount
which his predecessor
in office had mis
-appropriated.
Of the three villages
above named Kumba
-dahalli alone continues
to be attached to
Kolar District. The
other two villages are
now attached to the Devanhalli Talk.
Bangalore District.
After the death of
Seenappa his eldest
son Sooriamaranappa
(Appt) presented a

petition to the Deputy Commr. of Kolar that the Shanbogi of the three villages might be registered in his name. The Deputy Commr. thereupon issued an order the substance of which is as follows:- "As the Shanbogi of the three villages had been registered in the name of Suryanarayanappa's father Seenappa deceased it may now be registered in the name of his eldest son the lawful claimant Suryanarayanappa but Venkatesia who is now doing the Shanbogi work may continue to do so as much as the until Suryanarayanappa is able to do it".

Accordingly the Shanbogi of ~~Kumbalabalu in Kolar dist~~ the three villages was registered in the name of Suryanarayanappa in ~~1886~~ 1880 and since then he is in charge of it.

Suryanarayanappa then presents petition to the Devanhalli Amildar that ~~the~~

28-2-86

** On the application of Suryanarayanappa the Deputy Commr. ordered that the Shanbogi immediately be put in independent charge of the Shanbogi of Kambadahalli (Vide No 375 of 8-3-86)

he might be permitted
to look after the
Shanbogi of the
other two villages
Ramasandra and
Chennappa naikan
Hosur attached to
Devanhalli Taluk,
~~had~~ had registered
in his name. The
Amildar in his
report to the Deputy
Commr says that
according to a parti-
-tion deed executed
by Shyanarayanappa's
mother during his
minority, Venkatesia
has the right to the
two villages in the
Devanhalli Taluk
and as the said
Venkatesia is also
doing his duties
satisfactorily for a
long time there is no
reason to oust him.
The Deputy Commr
thereupon issued
an order ~~stating~~ dy 25-10-91
that as Venkatesia
was doing the Shanbogi
work satisfactorily
for 10 or 11 years and
as it would not also
be desirable that
one man should be
looking after the
Shanbogi work in
two separate Districts

Venkatesha might
continue to do the
shanbagi work as
gumastha.
Suryanarayana appe
appeals to this offic
against the above
order on three
grounds:-
1 That the Deputy
Comm^r of Bangalore
is wrong in not having
given effect to the
order no 589 dated
28.2.86 issued by
the Deputy Comm^r of
Kolar.
2 That the appellant
is willing to give
the share of the Resp
out of the income
attached to the Shan
-bogi.
3 That the Emolu
-ments of the Shanbo
of the two villages in
Devanhalli Taluk
have been exclusiv
appropriated by the
Respondent.
4 That appellant's
income is very small
& is hardly sufficien
to maintain his
family.
5 That the appellant

is 23 years old
that he has been
looking after the
shanbogi of Kunda-
dahalli and is thus
able to discharge
his duties properly.

Venkatesia the
Respondent says he
acquired his right
to the shanbogi of
the two villages in
question ~~according~~ in the
partition that was
effected in may 1885.
The Amildar also
bases his decision
on this ground.
According to the
award given by the
Panchayetdars which
is marked as Exhibit
B by the Amildar,
a partition of the
family property ~~of~~
seems to have been
effected in 1885.
The parties to this
partition were;-
1 Ramappa son of Subbia (above named)
2 Seenappa's sons
Suryanarayanappa
and Subbarayya
minors by their guardian
& mother Subbamma
3 Venkatesia son
of Venkata Subbia

Transcribed '85

This enters gives Venkatesa (Respt) the Shanbhogi of the three villages Kambada-halli, Kaminkasandra and Hosur in consideration of his having paid to goot all the amount that was due by deceased Seenappa.

In O.S. no 648 of 1888 on the file of the Chickballapur Muff the division of the family property between the appellant, the Respt, and his cousins was found to have been really effected in 1885 and it was also found that the appellants mother had been acted as guardian of her minor sons.

The Shanbhogi Regr of 1863-64 of the villages of Kaminkasandra & Hosur names above, mentions that Subbia was the registered. There is a subsequent remark in the said Regr that under order no 324 of 26-12-1866 Seenappa son of Subbia above names was appointed Shanbhog. Another remark is also to be found in it, that under order no 695 of 26-10-91 from the Dy Comr Venkatesia (Respt) is to do the Shanbhogi duties as guni-sathi.

Here is an extract from the Shanbhogi Regr of Kambada-halli which also mentions that Subbia was the Registered & that Seenappa was appointed under order no 324 of 26-12-66. No subsequent remark is

Plffs
Alasingra
Chunchacha
& another

Defts
Venkatia
Kamania
& Suryanarayana
(Appellt)

to be found in this Extract.

(This Extract was prepared on 20.5.85)

BCH
31/10/92

The main point in issue is whether the Report should be removed from the file at the instance of the Appellants, or whether the Report will be placed on the Petition alleged should be recognised.

The reasons for the Memorandum appealed against are given above

Rule 4 ½ - 3 days in Petition

+ Ventilation adm'r that he is only entitled to ½ appln ½ a Rs. inst. ½ Immovable claims ½ " & claims amend -

+ See his ltr. 92 oct. 92

Petition to 22nd June 93.

Adjourned to 20th July 93.

Sitd 8.3.93

11/11/92

9/3/93

Judt. reserved

20/

Appt
Sirgyanarayya

vs

Resp.t
Venkatana.

The Appellant seeks to recover possession of the office of Shanbog of the villages of Konna Sandra and Chinnappanaikan-hosur, in the Devanhalli Taluk. These villages, together with one called Kambadahalli, formed one charge and were formerly situated, like Kambadahalli, in the Siddapatta Taluk of the Kolar District.

The office was held by Sirya, Appellant's grandfather, till his dismissal in about 1865, and by Narayya, Appellant's father, till his death in 1881. The Respondent, who is a Kanakkan, was then allowed to discharge the duties of the office, but in 1883, on the complaint of Narayya's widow, the Inhabitants of Konna Sandra refused that the office be continued in the name

of the war, the appellant, and
that all the latter became fit
to discharge the duties, the Respondent
do certain to officiate as Sarvakar.
In 1887 the appellant sought for
and received possession of
the Inam of Kambadihalli village
alone which continued to be
attached to the Sidhakatta Vaik.
The Respondent then prayed that
the office of the two villages
which had in the meantime
been transferred to the Varahalli
Taluk might be restored in
his name, and in the course
of enquiry the appellant came
forward in 1890 and asked
to be put in possession of these
two villages also. The Asst. Comm^r
of Bangalore ordered
on the 25th Oct 1891 that the
Respondent do hold the Inam as
formerly for the appellant, and the
Honble the Board of Revenue
a Separate Inam in the two villages
in question, and held as a
matter of fact that both
discharged the duties of the
for 10 or 11 years and was willing
to pay appellant his share of the profits

The appeal is against this order.

The appellant contends that the documents of the 3rd of Kambadiahlli are trivial, which it is urged on behalf of Respondent that he paid after the date mentioned by Appellant's letter.

At the hearing of the Appeal both Appellant & the Respondent admitted that both they & certain others were joint Sharers as follows in the three villages in question.

(1) Sooryanarayana (Appt) 1/8
(2) Venkatesa (Respt) 2/8
(3) Ramappa 1/8
(4) Venkatramappa ... 1/8
(5) Subbayaarti 1/8
(6) Seshamma 1/8
(7) Seshachalu 1/8

The Bangalore D.C.'s order

of 25 Oct 1891 that ~~appellant~~ Respt. shd
Continue in office as ~~superintendent~~ the Appellant's
Gumastha for the Villages of Kamasamudra
Ch. ... Hosoor, proceeds upon the assumption

of an absolute Bar in the
Appellant & the Exclusion of
the Respt. If this assumption
were Correct, the Govt. wd feel
Compelled to call upon the
Appellant, as Executive Officer
Either to do the work himself or
to appoint any Surveyor of his own Choice
subject to the Dist Court's approval - But
from the admission of the parties, it is
clear that they, with certain others
are joint-Owners of the Area, and
therefore the Govt. see no reason for
ousting one of them (the Respt), in order
to give the Office of Executive of them (the Appellant) -
Under such Circs the Appeal will be
rejected, and the Respt. will be declared
Officiator in his own right, ~~for the~~
without prejudice to the rights of
Appellants & others as Co-Owners in
the Bank -

29.1.94.

Imperfect draft
as settled Respt
is entitled to a writ
as he was refused
by Court possession of
he has and obtained
Mandate the Bank
by Court on the 8/2/94
order - Purpose
as equitable
This view
Govt

Shew Rer Counsel that
before issue.

Secy Supreme Court
Respt Shewed

1. Stamps Correct.

2. Affidavit in time

3. Copy of Order produced.

4. CC: (1) Rule I
of the Act. Rules.
£2 14 6-a-1-1

Submitted
to the Council
- 22/2/92

22/2/92.

(General Serial No. 32.)

189 1/92

No. 3955

Name of Petitioner. Sangana Nan
Rond Singaji

Village. Muthoor

Taluk. Sirsingi

District. Kolar

Date of Arzi. 9.2.92

Date of Receipt. 10.2.92

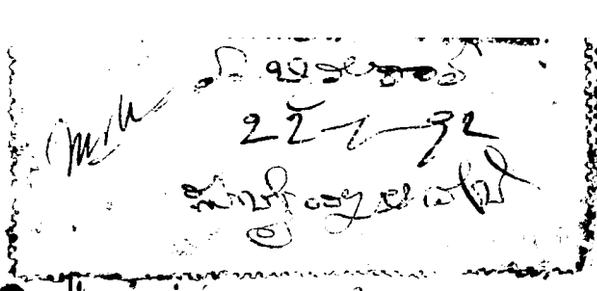
Date of Disposal.

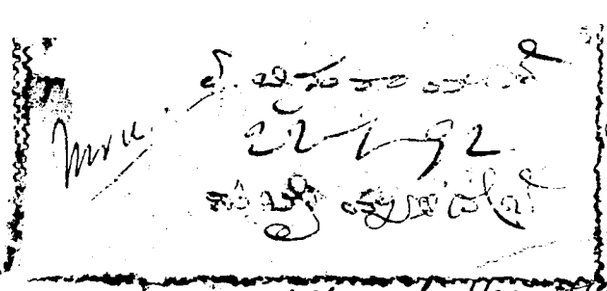
No. of Enclosures. Two.

ABSTRACT.

State that the Chan
Naikana Basappa of
Kundra village, now
Devanhalli Taluk, was
attached to the Sidlaghatta
Taluk, the Dy. Commissioner
in his order dated 30.8.91 &
directed one Venkatarama
to the Channagere Kunte
said village till Ettin
his majority. Petitioner
Ld. Recently the Dy.
of Bangalore, in his ord
25.10.91 has directed the
in charge of the Channagere
since the appeal.

By Cl. Rule 25 of the





Presented by Advocate Sri Kheema Rao on 10.2.92

In the Court of the Councillors to His Highness the Maha Raja of Mysore, Bangalore

Revenue Appeal No 370 of 1992

10-2-92

Appellant- Subbyanarayanappa son of Munappa residing in Muthoor, Siddaghatta Taluk Kolar District

(Vs.)

Respondant Venkatesiah, son of Venkata Subbiah residing in Muthoor Siddaghatta Taluk, Kolar District

Appeal No 187 of 1991-92

The Appellant most respectfully begs to prefer this appeal against the order of the Deputy Commissioner Bangalore District, dated 25th October 1991 for the following reasons:—

I That the Deputy Commissioner Kolar District appointed the Respondant as Gumasta of the Appellant until Appellant attained his majority and was able enough to conduct the duties of Shanbhogh of the Chennappanahalli Hoodoor and Kommasandra Devanahally Taluk (formerly these Villages were attached to the Siddaghatta Taluk, Kolar District, and now transferred to the Devanahally Taluk, Bangalore District) and the Deputy Commissioner, Bangalore District, erred in not putting Appellant in charge of the Shanbhoghship of those Villages.

II That the order of the Deputy Commissioner, Bangalore District, is ultra Vires and is against Law and Equity.

III That the Appellant is willing to give the share of the Respondant to him out of the income that is allowed to the Shanbhoghship.

IV That on the Respondants refusing to give charge of Shanbhoghship of

of the Kambhadahally, Sidlaghatta Taluk, the Deputy Commissioner Kolar District, in No 89 dated 23rd Novembr 1888 passed an order directing the Criminal prosecution of the Respondant.

V That after this order was passed Respondant put Appellant in possession of the Shanbhogshaip of this Village.

VI That the Emoluments attached to the Shanbhogshaip of the Kommasandra and Chinnappanahalla Hoodoor have been appropriated by the Respondant himself for the last 7 or 8 years and Respondant has not been allowing a single grain or a pie for the support of the Appellant.

VII That the Appellant gets only Rupees 5/ per annum for doing the duties of the Shanbhogshaip of the Kambhadahally which is hardly sufficient for the Appellant to support his family.

VIII That the Deputy Commissioner of Bangalore was wrong in not having given effect to the orders passed by the Deputy Commissioner of Kolar in No 589 dated 28/2/86 herewith produced.

IX That the Appellant is now aged 23 years and has been doing the duties of the Kambhadahally Village for the last 5 years and has been asserting his right to the Shanbhogshaip of the Chinnappa Naikana Hoodoor and Kommasandra for the last 3 years.

X That the reason why Appellant did not come and assert his right earlier before the Devanahally Taluk Amildar and

and the Bangalore District Deputy Commissioner was that on Appellant's applying for copy of the Kolar Deputy Commissioner's order No 589 dated 26/12/86 on the 2nd August 1888, Appellant was furnished with a Copy of the said order on the 13th October 1890 and on receipt of that order Appellant applied to be put in charge of his duties to the Authorities of the Bangalore District, hence the delay.

XI Appellant therefore prays that the order of the Deputy Commissioner, Bangalore be reversed and the order of the Deputy Commissioner, Kolar, given effect to, and Appellant be directed to be put in charge of the Shanbhoghship of those Villages.

Bangalore }
dt 9th Feby 92 }

Appellant

Returned 25/4/92

Received 25/4/92

Venkatramanaya
for precis by
the 3rd Asst:
M
25/4/92

X Enclosures returned

Precis Submitted
M
25/5/92

(General Serial No. 29.)

OFFICE OF THE
21 APR. 92
DEWAN OF MYSORE

1892 P. 8

761

From The Deputy Commr
Bangalore District
Chief

To
The Secretary to the Dewan
of Mysore.

Dated 18 April 1892

Despatched

Received

Enclosures No. 1 file

General No.
D No. 52 1892-93

Subject same as in D.O. No. 1647-91-25 dated 7/7/92 from the Chief Secretary to Government

X In this official Memo
No. 261 dated 23 Feby.
last, forwarding for
examination & pre-
ceeding connected
therewith, petition
from Venkatramanaya
of Malleswaram.

Has the honor
to forward herewith
proceedings of Commr
in the case cited
in the margin.

Return under
the Dewan's
observe that the
Proceedings are
not complete in
as much as they
do not contain
the papers relating
to

(1) the transfer of
the Basavanagudi
Sircappeal name to
that of Shri Sooda
Narayappa (Appellant)
in 1886 (vide Kolar
Dewans Order No. 589
dated 17.3.86)

21-4-92

of the Sandagam villages of Kumaya
Karikan, Kosan and Kommegam
villages in the Sivaganga Taluk.

Mr Marked
the Deputy Commissioner

(2) The restoration of the village of Kumbadakalli to the Appellant in 87 (vide Kolar Appeals No. 378 of 18th October 1887).

All the papers connected with this case should be obtained & shown early together with a copy of the Barabandi Register written up to date.

B.O.
21/1/88

For Private & Mr. Rice
Other papers
Kolar Appeals

(General Serial No. 30.)

189

From

The Chief Secretary
to the Dewan of Mysore.

To

The Dy. Comm.r
Bangalore Distt.

Dated 27

Despatched 29 Jan.y 1892.

Received

Enclosures No. one file

General No. 1610

Pol. & No. 99–92-3

Calling for all the papers relating to the Channagiri Sthalada Hosa Vkamasandra village, Devanhalli Taluk.

References to be marked.

From the same No 332 of 14-10-92

To the Comm. Engineer.

—a—

This Office is entitled to
Discharge from further
Responsibility on the
Completion of the
Contract.

—n—

In returning the enclosed
Cheque I have the
honor to observe that the
Contractors have not
complied with the
Clause in the Contract
(The transfer of the Barrow
from Sinajana name that
of his Son Sirananajapa
(Appellant) in 1886, vide Your
Off: Comm: Order No 559. S
17. 3. 86).

(2) The Executive Engi-
neer in Kandakaddi
the Appellant in 559
vide Your Off: Comm:
No 326. S. 8 Oct. 587).

All the papers

connected with the case
should be obtained and
submitted early together
with a copy of the Parish
Lists, Lyster written up
to date.

Byron Lee
Capt
Chief Secy

W. H.

Pol. & Gen. Dept.

(General Serial No. 30.)

1849
OCT. 92
182

189

From The Commissioner, Sanguine Dist.

To The Chief Secretary to the Govt. of Mysore

Dated 14th Octr. 92

Despatched

Received

Enclosures No. 1 Statement & Vernl. Files.

General No.

No. 332.

K. Shastri

Complete. Memo & previs. & Govt. sp. letters & Govt. 21/10/92

H.o Docket-No 1610 dated 29th July last, requesting to forward all the papers connected with the Shanbhogi Office of Channapatnaikana Hosur and Kanavasandra Villages, Devanahally Taluk, together with a Copy of Parvanbakti Register.

In returning the Enclosures received with the above, has the honor to forward

15/10/92

Recent papers
relating to the
transfer of Barnard
from Sinatra's
name to that of
his son Scotticare
- Mafia, and the
restoration of the
Village of Kamba
- dalli to the
Applicant in 1957
together with the Bare
- boat Registration
as called for in
the above.

Allegations

By Commissioner

Mrs

The Asst. Deputy Commissioner of Faizabad ordered on the 25th October 1971, that the Respondent do hold the Office as gumasta of the appellant as in the interests of the public service, a separate man was required for the two villages in question; and Respondent was a Sharer who had satisfactorily discharged the duties of the Office for 10 or 11 years and was willing to pay appellant his share in the produce. The appeal is against this order.

3. The appellant contends that the emoluments of the Office of Kumbadihalli are trivial, while it is urged on behalf of Respondent that he had paid to Government the sums so appropriated by appellant's father.

4. At the hearing of the appeal, both appellant and the Respondent adduced

that both they and certain others were joint sharers as follows, in the three villages in question:

(1) Soorgamappa (Appellant) 1/8
(2) Venkatesiah (Respt) 2/8
(3) Ramappa ——— 1/8
(4) Venkatanarayya 1/8
(5) Sobrayasastri — 1/8
(6) Sobbamma ——— 1/8
(7) Sobbabhatta ——— 1/8

5. The Bangalore Deputy Commissioner under d 25 October 1891, that Respondent should continue in office as the appellant's gumasta for the villages of Kamasandra & Chinnappanahalli. Hence proceedings upon the assumption of an absolute title in the appellant to the exclusion of the Respondent. If this assumption were correct, the Government would feel compelled to call upon the appellant as exclusive holder, either to do the work himself

Decision

himself or to appoint any pleader of his own choice subject to the Dy. Commissioner's approval. But, from the admission of the parties, it is clear that they, with certain others, are joint holders to the Office, and, therefore, the Government has no reason for ousting one of them (Respondent), in order to give the Office to another of them (the appellant).

6. Under such circumstances the appeal will be rejected and the Respondent will be declared officiator in his own rights, without prejudice to the rights of appellant and others as co-sharers in the hak.

By order,

Redraft

Chief Secretary

To
The Dy. Commissioner,
Bangalore District,
with the usual papers
received with his No. 332 of

No. 14221
Fee. Rs. 22-0-0

No. 3706 / A. 187

27-2-94

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

14 February 1894

Endorsement granted to Sarjapuranapalya of Inutter Siddapatta Taluk

in reply to her Petition Registered No. 3706 / A. 187 dated 9-12-1892

appealing against the order of the Commissioner Bangalore Rejecting the Shanbhogi Examination and Summarizing enquiries in the Kanakalli Taluk

Petitioner is informed that the appeal has been rejected and the Respondent Venkatesa declared officiating in his own right, without prejudice to the right of the appellant and others as Co-sharers in the Hulk.

Sheets are returned

By Order

14/2

14222

For Chief Secretary

No. Fin. 7-77-93.

Copy forwarded to Sarjapuranapalya of Inutter Siddapatta Taluk

"By Order"

14/2

for Chief Secretary.

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.

No. 261 R. (3)

Sudarshanaiah 1/3/92

LR: 146-91-2

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

To the same 657 of 13/4/92
From the same No. 52 dy. 18/4/92

The accompanying Petition No. 376 dated 9th February/92 received at the Dewan's Office from Suryanarayappa son of Sivappa, residing in Muthoor, Siddaghatta Taluk,

is forwarded, together with its two enclosures, to the Deputy Comm.r Bangalore District for submission of Proceedings ~~with a process~~ thereof.

By Order,

Drafted as per Comm.r order 23/2

29/2

Chief Secretary.

BANGALORE, 23rd Feby 1892

1/3

Before the Government of
His Highness the Maharajah
of Mysore

(8)

LR 146-91-1

Appeal No 187 of 1891-92

Appellant
Suryanarayappa

vs

Respondent
Venkatesha

Facts of the case The Appellant seeks to recover possession of the Office of Shanbhog of the villages of Kommasandra and Chinnappanaikenhosur in the Devanhalli Taluk. These villages, together with one called Kumbadahalli, — formed one charge and were formerly situated, like Kumbadahalli, in the Siddlaghatta Taluk of the Kolar District.

2. The Office was held by Soobbia, appellant's grandfather till his dismissal in about 1866, and by Seenappa appellant's father, till his death in 1881. The Respondent who is Seenappa's cousin

was then allowed to discharge the duties of the Office, but in 1886, on the complaint of Seenappa's widow, the Dy. Commissioner of Kolar ordered that the Office be registered in the name of her son, the appellant, and that till the latter became fit to discharge the duties, the Respondent do continue to officiate as previously. In 1887 the appellant sought for and recovered possession of the Office of Kambadahalli village alone which continued to be attached to the Siddlaghatta Taluk. The Respondent then prayed that the Office of the other two villages which had in the meantime been transferred to the Devanhalli Taluk might be registered in his name, and in the course of enquiry the appellant came forward in 1890 and asked to be put in possession of these two villages also.

dated 14th October 1892.

By order

[illegible]

for Chief Secretary